



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

Beaudry, Gary A. et al.

Examiner: Carla J. Myers

Serial No.: 09/663,516

Group Art Unit: 1634

Filing Date: September 15, 2000

For: **COMPOSITIONS AND METHODS FOR THE IDENTIFICATION  
OF LUNG TUMOR CELLS**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**Certificate of First-Class Mailing (37 C.F.R. § 1.8(a))**

I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231

Dated: \_\_\_\_\_

Name of Person Certifying: \_\_\_\_\_

Printed Name: Taryn Antalek

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

**I. Timing of the Information Disclosure Statement:**

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☐ Before the mailing date of a first Office Action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 07-1074 for any fees required pursuant to 37 C.F.R. § § 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

- ☒ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever comes first, and the Commissioner is hereby authorized to charge Deposit Account No. 07-1074 for the fee (\$180.00) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☒ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 more than three months prior to the filing of this Information Disclosure Statement.

## **II. Copies of the Cited Items:**

- ☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: \_\_\_\_\_.
- ☐ Copies of those items which are marked with an asterisk (\*) in the attached Form PTO-1449 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. \_\_\_\_\_ filed \_\_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120. See 37 C.F.R. § 1.98(d).

- ☐ Copies of those items which are marked with an asterisk (\*\*) in the attached Form PTO-1449 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

### III. Concise Explanation of Relevance:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. **07-1074** for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

June 25, 2003  
Date

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

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of

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**Complete if Known**

Application Number	09/663,516
Filing Date	September 15, 2000
First Named Inventor	Beaudry, Gary
Group Art Unit	1634
Examiner Name	Carla J. Myers
Attorney Docket Number	GA0129C

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	1	US-			
	2	US-			
	3	US-			
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	14	US-			
	15	US-			
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	17	US-			
	18	US-			
	19	US-			
	20	US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	21	WO 97/12975	04-10-97	United States of America		
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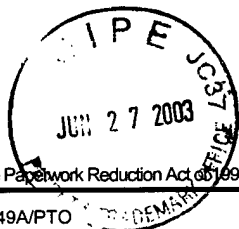
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08A (10-01)

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STATEMENT BY APPLICANT**

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Sheet 2

of 2

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First Named Inventor	Beaudry, Gary
Group Art Unit	1634
Examiner Name	Carla J. Myers
Attorney Docket Number	GA0129C

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	30	ODA, T. et al., "Cloning of the Human alpha-Catenin cDNA and Its Aberrant mRNA in a Human Cancer Cell Line", Biochemical and Biophysical Research Communications, June 1993, 193(3):897-904	
	31	PATEL, S. et al., "Expression and Purification of the Canine 54-kDa Subunit of Signal Recognition Particle as a His-Tagged Protein from Escherichia coli", Protein Expression and Purification, June 1996, 8(3):283-294	
	32	DERISI, J. et al., "Use of a cDNA microarray to analyse gene expression patterns in human cancer", Nature Genetics, December 1996, 11:457-460	
	33	BULLIONS, L. et al., "Expression of Wild-Type alpha-Catenin Protein in Cells with a Mutant alpha-Catenin Gene Restores Both Growth Regulation and Tumor Suppressor Activities", Molecular and Cellular Biology, August 1997, 17(8):4501-4508	
	34	Romisch, K. et al., "Homology of 54K protein of signal-recognition particle, docking protein and two E.coli proteins and putative GTP-binding proteins", Nature, August 1989, 340(6233):478-482	
	35	DATABASE EMBL ONLINE, E.B.I. Hinxton, Accession Number:D13866, 11 December 1993, Oda, T. et al., "Human mRNA for alpha-catenin"	
	36	DATABASE EMBL ONLINE, E.B.I. Hinxton, Accession Number:X16318, 23 November 1989, Romisch et al., "Canine mRNA for signal recognition particle 54k protein"	
	37	DATABASE EMBL ONLINE, E.B.I. Hinxton, Accession Number:X86373, 20 April 1995, Patel et al., "Homo sapiens SRP54 complex DNA"	
	38	DATABASE EMBL ONLINE, E.B.I. Hinxton, Accession Number:AA484483, NCI-CGAP, "Homo sapiens cDNA clone IMAGE:913139, mRNA sequence"	
	39	DATABASE EMBL ONLINE, Accession Number:N94741, 19 April 1996, Hillier et al., "Soares_parathyroid_tumor_NbHPA Homo Sapiens cDNA clone IMAGE:305326 3', mRNA sequence"	
	40	DATABASE EMBL ONLINE, Accession Number:AA009830, 2 August 1996, Hillier et al., "Soares_fetal_liver_spleen_1NFLS_S1 Homo sapiens cDNA clone IMAGE:430068 3', mRNA sequence"	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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